## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA 04-CV-102(JMR/JSM)

David J. Gherity	)	
	)	
V.	)	ORDER
	)	
Lori Swenson et al.	)	

Petitioner <u>pro se</u> objects to the Report and Recommendation, issued June 18, 2009 [Docket No. 80], by the Honorable Janie S. Mayeron, United States Magistrate Judge. The Report recommended that petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 be denied, and that this action be dismissed with prejudice. Petitioner's objections were timely filed pursuant to Local Rule 72.2.

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation.

Accordingly, IT IS ORDERED that:

- 1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 [Docket No. 1] is denied.
  - 2. This action is dismissed with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 10, 2009

s/ JAMES M. ROSENBAUM

JAMES M. ROSENBAUM

United States District Judge